



# KANSAS DEPARTMENT OF CORRECTIONS

	<b>INTERNAL MANAGEMENT POLICY AND PROCEDURE</b>	SECTION NUMBER	PAGE NUMBER
		08-104D	1 of 5
		<b>COMMUNICATION: Media and Public Access To Correctional Facilities, Parole Offices and Offenders</b>	
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## POLICY STATEMENT

In accordance with the provisions of this IMPP and IMPPs 08-101D and 19-101D, media representatives shall be provided access to all correctional facilities, during emergency and non-emergency situations consistent with the restrictions required by each facility's need for maintaining the safety of staff and the media representatives, the order and security of the facility, and the offenders' right to privacy (ACO 2-1A-27-1; ACI 3-4022, 3-4267; APPFS 3-3027, 4-APPFS-1C-01). Each warden or superintendent shall be responsible to identify the areas in the facility that are accessible to media representatives during both emergency and non-emergency conditions. (ACO 2-1A-27-1; ACI 3-4021-1; 4-APPFS-1C-01)

Media representatives may use the mail system to request offender cooperation for interview responses in lieu of face-to-face interviews. Written and/or telephone communication with the media may be initiated by offenders with very limited staff involvement. Facility telephones shall not be made available to offenders for media interviews. Direct access to individual offenders by media representatives shall be reviewed on a case-by-case basis. Except as necessary during an emergency situation, offender-initiated correspondence and telephone communication with the media shall not be obstructed. (ACO 2-1A-27, 2-3C-01)

Media access to adult and juvenile offenders on post-incarceration supervision shall not be restricted or controlled by Departmental policy or procedures, but media access to parole offices/community supervision agencies shall require the prior approval of the parole director, Deputy Secretary of Juvenile Services or designee. Information and data provided to the media regarding offenders, by any agency staff, shall be consistent with applicable federal and State privacy, freedom of information and/or confidentiality statutes. (ACO 2-1A-27-1; ACI 3-4021-1, 3-4022; 4-APPFS-1C-01)

Access by the public shall be in accordance with procedures promulgated by each facility warden or superintendent. Such access may provide for educational visits or tours, escorted by designated staff, at times which are convenient to and consistent with the efficient operation of the facility and which ensure the safety and security of the staff, offenders and the general public.

## DEFINITIONS

Public Information Manager: The Central Office designee responsible for the overall administration of the Department's public information program.

Public Information Officer: An individual assigned the responsibility to coordinate a public information program of a facility or parole office.

Face-to-face interview: An interview of an offender by news media, which requires the presence of the media interviewer within the correctional facility or the offender in a media studio or other off-site location.

Media representatives: Persons employed to gather or report news for newspapers, magazines, news services, television, or radio as recognized by the Department's Public Information Officer.

Offender: A person who is in the legal custody/jurisdiction of the Secretary of Corrections. This term refers to both adult and juvenile offenders and persons under post-incarceration supervision.

## **PROCEDURES**

### **I. Requests for Media Access to Correctional Facilities**

- A. All decisions concerning media requests for access to correctional facilities shall be made by the warden or superintendent.
- B. Requests for media access to correctional facilities shall ordinarily be made at least 48 hours in advance.
  - 1. The warden or superintendent may waive the 48-hour requirement if good cause is shown, and facility operations will not be unduly disrupted or security compromised.
- C. Requests for media access to correctional facilities shall not be made more than 60 days in advance.
- D. Requests initiated by the media shall be in writing, using Media Request for Access to Correctional Facility Form (Attachment A, Form #08-104D-001), or they may be made over the telephone. Those making telephone requests shall complete Attachment A upon arrival at the facility. (ACI 3-4267)
  - 1. The Kansas Department of Corrections does not grant interviews with specific offenders, except for those rare circumstances where offenders are designated by the Department to participate in news stories about topics determined appropriate, members of the media shall not ordinarily be approved for interviews with specific offenders. Rather, media members may request an interview with an offender, or offenders, on a specific topic, and the staff of the affected Departmental facility shall endeavor to provide offenders appropriate for interviews on such topics. Nevertheless, media members may contact a specific offender in the following manner:
    - a. The media member may write a letter to the offender, sending it through the standard mail process;
    - b. The letter should:
      - (i) explain the reporter's/writer's identity;
      - (ii) provide a list of questions the reporter/writer would like the offender to answer;
      - (iii) ask for a response at the offender's earliest opportunity; and,
      - (iv) provide a telephone number that may be added to the offender's approved calling list.
    - c. Offenders shall have the option of responding to the written request. If the offender chooses to add the media member to his/her approved calling list, the change should be made per provisions of IMPP 10-111 or other applicable policy. (ACI 3-4267)
      - (i) Written communication between offenders and the media or telephone communication initiated by offenders are reasonable alternatives for face

to face access to the news media and shall not require the warden's or superintendent's review or the execution of a Consent and Waiver for Media Access/Interview Form (Attachment B, #08-104D-002).

- (ii) Offenders shall not be provided access to facility telephones to accommodate offender /media contacts.

## **II. Notification Requirements**

- A. When a media request for access to a facility for purposes other than a face-to-face interview is received, the warden or superintendent shall determine if the Departmental Public Information Officer shall be consulted prior to the time that request is acted upon. If the warden determines that such consultation is not necessary, the Departmental Public Information Officer shall be notified, in writing or by telephone, as soon as is reasonably possible.

## **III. Decision Making Criteria - Media Access**

- A. The following criteria shall be considered in making a decision to allow media access to areas of a correctional facility.
  - 1. Whether such access would create a life-threatening situation to offenders or staff or the media representative, or constitute an invasion of privacy to offenders;
  - 2. Whether such access would aggravate a crisis or already volatile situation;
  - 3. Whether such access would or likely could cause a disruption of the orderly operation of the facility or the Department; and,
  - 4. Whether staff are available to brief and escort media representatives.
  - 5. Whether or not the offenders who are being reviewed for media clearance have known victims.
    - a. The mere presence of known victims would not exclude media access; however, the Office of Victim Services shall be consulted in conjunction with the Public Information Manager.
- B. All media access to correctional facilities shall be conducted consistent with security procedures established by each facility.

## **IV. Interviews, Photographs and Release of Information**

- A. Department personnel shall not authorize media personnel to interview or photograph an offender within a Correctional Facility unless the offender has first executed a Consent and Waiver for Media Access/Interview Form, Attachment B. (ACO 2-1E-0; ACI 3-4096, 3-4267)
  - 1. A copy of the completed/signed form is maintained in the facility offender file. (ACO 2-1E-07; ACI 3-4096)
- B. Department personnel shall not authorize media personnel to interview an offender in any setting unless the offender has first executed a Consent and Waiver Form, Attachment B.
- C. Execution of Consent and Waiver form is not necessary in order for media personnel to photograph an offender who is in the public domain.
  - 1. Media personnel may be kept at the same distance as members of the general public in order to maintain security and control over the offender.

- D. The dissemination of non-criminal history information and the RDU report by staff shall be in accordance with the provisions of IMPP 05-101D.

**V. Media Access to Offenders on Community Based Supervision**

- A. Media access to adult offenders on post-incarceration supervision shall not be restricted or controlled by Departmental policy or procedures, but media access to parole offices/community supervision agencies shall require the prior approval of the parole director or designee.
  - 1. Requests for media contact with offenders on post release supervision shall be sent to the Parole Director.
- B. KDOC personnel shall not authorize media personnel to interview a juvenile offender in a community based service unless the juvenile and legal guardian have first executed a Consent and Waiver for Media Access/Interview (Attachment B), while media access to community offices/community supervision agencies shall require the prior approval of the Deputy Secretary of Juvenile Services or designee.
  - 1. Outlined below is the process to be followed when a member of the news media requests to interview and/or photograph a juvenile offender in a community-based service:
    - a. The community supervision officer must determine whether the juvenile offender's behavior is at an appropriate level and whether he/she would be a good candidate for an interview at that time.
      - (1) All consent must be cleared with the community supervision agency director and the KDOC public information manager prior to any interviews taking place.
    - b. Media shall work with the community supervision agency director, with approval by the KDOC public information manager, throughout the process. The administrative county contact may delegate media contact to the community supervision officer.
    - c. The community supervision officer and community supervision agency director will obtain notarized consents from the juvenile offender, parent or guardian, and attorney as required by the Consent and Waiver for Media Access/Interview. (Attachment B)
    - d. Juvenile offenders may only speak about themselves and are not to speak about the identity, social history, or circumstances of any other juvenile offenders.
    - e. KDOC reserves the right to be present and record audio and/or video of any interview.

**VI. Decision Making Criteria - Public Access**

- A. Each warden or superintendent shall develop general orders to facilitate public access to their respective facilities.

**NOTE:** The policy and procedures set forth herein are intended to establish directives and guidelines for staff and offenders and those entities who are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or offenders, or an independent duty owed by the Department of Corrections to employees, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

#### **REPORTS REQUIRED**

None.

#### **REFERENCES**

IMPP 05-101D, 08-101D, 19-101D  
ACO 2-1A-27, 2-1A-27-1, 2-1E-07, 2-3C-01  
ACI 3-4021-1, 3-4022, 3-4096, 3-4267  
APPFS 3-3027, 4-APPFS-1C-01

#### **ATTACHMENTS**

<b>Attachment</b>	<b>Title of Attachment</b>	<b>Page Total</b>
A	Media Request for Access to Correctional Facility/Photo or Interview and Waiver	2 page(s)
B	Offender Consent and Waiver for Media Access/Interview	1 page(s)

VOID AFTER 60 DAYS FROM DATE OF REQUEST

**KANSAS DEPARTMENT OF CORRECTIONS**

(1)

**MEDIA REQUEST FOR ACCESS TO CORRECTIONAL FACILITY/PHOTO  
OR INTERVIEW AND WAIVER**

REQUEST TIME/DATE: \_\_\_\_\_

I, \_\_\_\_\_, representing \_\_\_\_\_, hereby request access to the \_\_\_\_\_  
(2) (3) (4)  
and specifically \_\_\_\_\_ at \_\_\_\_\_ on \_\_\_\_\_ day of \_\_\_\_\_,  
(5) (6) (7)  
20 \_\_\_\_\_. I seek to [ ] interview (and) [ ] photograph (Check appropriate box) the following person(s) or places

\_\_\_\_\_  
(8)  
I understand and assume the risk of entering a correctional facility, and hereby waive any right or claim against correctional officials for damage to me or to the equipment I carry onto the premises.

I also understand that the policy of the Department of Corrections is that an offender may not be interviewed or photographed (including videotaped) unless the offender has executed a written consent to that action and a waiver of liability. I agree to be bound by that policy and to obtain such written consent prior to conducting such interviews or taking any photographs of an offender while the offender is within a correctional facility.

On behalf of my company and myself, I agree to hold the State of Kansas, Department of Corrections, this institution/facility/office, and their officers employees, agents and successors in office harmless and do release them from any and all liability regarding or resulting from taking or publication of any interview and/or photograph(s), including any interviews photographs taken without the offender's consent, contrary to the policy of the Department of Corrections.

\_\_\_\_\_  
Signature of Media Representative

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Time/Date

**OFFICIAL USE ONLY**

**PART A**

The institution/facility person receiving the request was \_\_\_\_\_  
(9)

Action taken by  
Superintendent/Warden: \_\_\_\_\_  
(10)

Superintendent's/Warden's  
Signature: \_\_\_\_\_  
(10a)

Departmental P.I.O. notified \_\_\_\_\_ by \_\_\_\_\_  
(11) (12)

\_\_\_\_\_  
Signature of Officer

**PART B**

Media representative \_\_\_\_\_ arrived at \_\_\_\_\_, 20 \_\_\_\_\_. Media  
(13) (14)  
representative departed the institution/facility at \_\_\_\_\_.  
(15)

\_\_\_\_\_  
Signature of Officer

**COMMENTS:**

**INSTRUCTIONS FOR INFORMATION TO BE FILLED IN BLANK SPACES**

Request may be made by submitting this form or by phone. If by phone, officer shall fill out and media representative shall sign upon arrival.

1. Name of correctional office, institution or facility where form is submitted.
2. Name of person requesting access.
3. Name of media firm or company.
4. Name of correctional institution or facility being accessed.
5. Name of sections or persons to whom access will be made.
6. Time of media entry desired.
7. Date of media entry desired.
8. Persons or places to be photographed or interviewed.
9. Person receiving the request.
10. Action taken by warden/superintendent.
- 10a. Signature of warden/superintendent.
11. Date and time Departmental PIO (Public Information Officer) notified.
12. Person notifying Departmental PIO.
13. Name of media representative.
14. Date and time of arrival.
15. Date and time of departure.

KANSAS DEPARTMENT OF CORRECTIONS

(1)  
OFFENDER CONSENT AND WAIVER FOR MEDIA ACCESS/INTERVIEW

I, \_\_\_\_\_, understand that personnel of the Kansas Department of Corrections will not  
(2)  
authorize media personnel to interview or photograph me while I am within a correctional facility unless I first give written consent to such action and execute a release of liability to the Department of Corrections and its employees. I further understand that if I am in a public setting, Department personnel will not authorize media interviews with me unless I first execute a consent and a release of liability form.

I hereby state that I have read and understand the above statement and do agree, consent and give permission to be (check appropriate box):  
[ ] INTERVIEWED [ ] PHOTOGRAPHED/VIDEOTAPED  
by: \_\_\_\_\_

(3)  
My decision to permit this interview and/or photograph is made voluntarily, of my own free will, and is not the result of threats, duress, force or coercion on the part of officials, employees, or agents of the correctional agency.

I agree to hold the State of Kansas, Department of Corrections, \_\_\_\_\_,  
(4)  
their officials, employees, agents and their successors in office harmless and release them from any and all liability regarding or resulting from publication of this interview and/or the taking or publication of photographs.

I understand that I may revoke this consent at any time except to the extent that action has been taken in reliance on it, and that in any event the consent expires automatically without my express revocation upon the occurrence of the following time, date, circumstances, event or condition:

\_\_\_\_\_  
(5)

\_\_\_\_\_  
DATE NAME OF OFFENDER (Signed and Printed)

\_\_\_\_\_  
DATE NAME OF LEGAL GUARDIAN (Signed and Printed) (Applicable to Youth Under 18)

\_\_\_\_\_  
WITNESS SIGNATURE  
Register No. \_\_\_\_\_

\_\_\_\_\_  
WITNESS

\*\*\*\*\*

INSTRUCTIONS FOR INFORMATION TO BE FILLED IN BLANK SPACES

1. Name of correctional office, institution or facility.
2. Printed name and number of offender.
3. Name of media company, type of media, and name(s) of representative(s) of the media.
4. Name of correctional office, institution or facility.
5. Time period elapsed, date, circumstances, event or condition designated by the offender as being the point at which this consent and waiver ends.

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REFERENCES:  
Kansas Administrative Regulation (K.A.R.) 44-1-102  
Internal Management Policies and Procedures (IMPP) 08-104D(5)